

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

IN RE OUTPATIENT MEDICAL CENTER  
EMPLOYEE ANTITRUST LITIGATION

Master Docket No. 1:21-cv-00305-ARW-SRH

THIS DOCUMENT RELATES TO:  
ALL ACTIONS

**NOTICE OF RELATED ACTION AND  
[PROPOSED] ORDER RE-ASSIGNING  
AND CONSOLIDATING RELATED  
ACTION**

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WHEREAS, pursuant to Pretrial Order Number 1, Dkt. 50 at 2-3, the Parties' July 19, 2021 Joint Status Report, Dkt. 52 at 3, and this Notice, counsel for Plaintiffs in this Consolidated Action have notified the Court of the following related case filed on July 16, 2021: *Peña v. Surgical Care Affiliates, LLC, et al.*, 1:21-cv-03803 (N.D. Ill.), attached as Exhibit A;

WHEREAS, the *Peña* action relates to the same subject matter of this Consolidated Action, as indicated on the Cover Sheet of the *Peña* complaint, *Peña*, Dkt. 1-1 at 1;

WHEREAS, *Peña* names an additional Defendant, Davita, Inc., and alleges its participation in a manner consistent with the criminal indictment the Government filed on July 15, 2021 in the United States District Court for the District of Colorado: *United States v. Davita Inc. and Kent Thiry*, 1:21-cr-00229-RBJ (D. Colo.);

WHEREAS, in that indictment, the Government alleges that Davita Inc. "entered into and engaged in a conspiracy with [Surgical Care Affiliates] to suppress competition between them for the services of senior-level employees by agreeing not to solicit each other's senior-level employees", *United States v. Davita*, Dkt. 1 at 2;

WHEREAS, Plaintiffs in this Consolidated Action have completed their obligations

under PTO 1 at 2-3, by providing a copy of PTO 1 to all parties in *Peña*, notified counsel in *Peña* of this Notice and [Proposed] Order, and promptly thereafter submitted this [Proposed] Order;

WHEREAS, re-assigning the *Peña* action to this Court and consolidating it with the Consolidated Action is appropriate because the *Peña* action relates to the same subject matter as the Consolidated Action, shares several common questions of law and fact, and consolidation will promote judicial economy without unduly prejudicing any party;

**NOW, THEREFORE, THE COURT ORDERS:**

Unless a party in *Peña v. Surgical Care Affiliates, LLC, et al.*, 1:21-cv-03803 (N.D. Ill.) objects to re-assignment or consolidation within ten (10) days, the *Peña* action shall be re-assigned and consolidated with this Consolidated Action and PTO 1, Dkt. 50, shall apply thereto.

Dated: July 28, 2021

Respectfully submitted,

/s/ Dean M. Harvey

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**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

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HON. ANDREA R. WOOD  
UNITED STATES DISTRICT JUDGE